

Notice of Allowability	Application No.	Applicant(s)	
	09/615,473	ESCOBOSA ET AL.	
	Examiner	Art Unit	
	STEPHEN BURGDORF	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 6-September-2011.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 54-61,64-72 and 74-80.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>3/6/2009, 1/26/2011</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20-September-2011</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other ____. |
|---|---|

/Stephen R Burgdorf/
Examiner, Art Unit 2612

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

- 1.1. Authorization for this examiner's amendment was given in a telephone interview with Attorney Gary Jarosik on 20-September-2011.

Claim Amendments

- 1.2. **Claims 71 and 77**, as presented in amendment dated 6-September-2001 are amended as follow:

- 1.2.1. **Claim 71 (currently amended)**: A method for selecting a command set for use in a remote control, comprising:

displaying at a Web site a list comprising a plurality of types of consumer electronic device for allowing a user to select one of the plurality of types of consumer electronic device from the list to specify a type of a consumer electronic device;

displaying at the Web site a list comprising a plurality of brands of consumer electronic device for allowing the user to select one of the plurality

Art Unit: 2612

of brands of consumer electronic devices from the list to specify a brand of the consumer electronic device;

using the user specified type of the consumer electronic device and the consumer specified brand of the consumer electronic device to select a plurality of command sets that have been identified as being candidates for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device;

making at least a subset of each of the plurality of selected command sets available whereby a user may determine by experimentation which one of the plurality of command sets is appropriate for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device;

displaying to the user at the Web site a key layout for the remote control and a list of functions from the command sets determined to be appropriate for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device and accepting user input to assign functions from the list of functions to the key layout; and

displaying an amount of memory needed in the remote control to download from the Web site to the remote control assignments of functions to the key layout;

wherein the plurality of command sets and the assignments of functions to the key layout are downloadable from the Web site to the remote control to thereby configure the remote control to command operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device.

1.2.2. **Claim 77 (currently amended):** A method for selecting a command set for use in a remote control, comprising:

displaying at a Web site a list comprising a plurality of types of consumer electronic device for allowing a user to select one of the plurality of types of consumer electronic device from the list to specify a type of a consumer electronic device;

displaying at the Web site a list comprising a plurality of brands of consumer electronic device for allowing the user to select one of the plurality of brands of consumer electronic devices from the list to specify a brand of the consumer electronic device;

using the user specified type of the consumer electronic device and the consumer specified brand of the consumer electronic device to select a plurality of command sets that have been identified as being candidates for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device;

making at least a subset of each of the plurality of selected command sets available whereby a user may determine by experimentation which one of the plurality of command sets is appropriate for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device;

displaying to the user at the Web site a key layout for the remote control and a list of functions from the command sets determined to be appropriate for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device and accepting user input to assign functions from the list of functions to the key layout; and

downloading from the Web site to the remote control via a memory card assignments of functions to the key layout;

wherein the plurality of command sets and the assignments of functions to the key layout are downloadable from the Web site to the remote control to thereby configure the remote control to command operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device.

Drawings

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant (applicant has agreed to submit corrected drawings as

Art Unit: 2612

shown in the Attachment proposed drawings showing applicable Figs. 1-17 from similar US application 10/411,792 as indicated in the attached Interview Summary Record). In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes:

2.1. **Figure 1**: formalize this figure to provide an appearance similar to Fig.1 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

2.2. **Figure 2**: formalize this figure to improve legibility and add figure number similar to Fig. 2 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

2.3. **Figure 3**: formalize this figure to improve legibility and add figure number similar to Fig. 3 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

2.4. **Figure 4a**: formalize this figure to improve legibility and add figure number similar to Fig. 4a of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

Art Unit: 2612

- 2.5. **Figure 4b**: formalize this figure to improve legibility and add figure number similar to Fig. 4b of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.6. **Figure 5**: formalize this figure to improve legibility and add figure number similar to Fig. 5 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.7. **Figure 5a**: formalize this figure to improve legibility similar to Fig. 5a of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.8. **Figure 5b**: formalize this figure to improve legibility similar to Fig. 5b of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.9. **Figure 6**: formalize this figure to improve legibility similar to Fig. 6 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

Art Unit: 2612

2.10. **Figure 7:** formalize this figure to improve legibility similar to Fig. 7 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

2.11. **Figure 8:** formalize this figure to improve legibility similar to Fig. 8 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with the legends in the existing drawing included and appropriate serial number.

2.12. **Figure 9:** formalize this figure to improve legibility similar to Fig. 9 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with the legends in the existing drawing included and appropriate serial number.

2.13. **Figure 10:** formalize this figure to improve legibility similar to Fig. 10 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with the legends in the existing drawing included and appropriate serial number.

2.14. **Figure 11:** formalize this figure to improve legibility similar to Fig. 11 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with the legends in the existing drawing included and appropriate serial number.

Art Unit: 2612

- 2.15. **Figure 12:** formalize this figure to improve legibility similar to Fig. 12 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.16. **Figure 13:** formalize this figure to improve legibility similar to Fig. 13 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.17. **Figure 14:** formalize this figure to improve legibility similar to Fig. 14 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.18. **Figure 15:** formalize this figure to improve legibility similar to Fig. 15 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.
- 2.19. **Figure 16:** formalize this figure to improve legibility similar to Fig. 16 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

- 2.20. **Figure 17:** formalize this figure to provide an appearance similar to Fig.17 of NPL drawing package (US Patent Application 10/411792-ESCOBESA), but with appropriate serial number.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

- 3.1. Prior art fails to disclose, or suggest the display of the amount of memory needed in the remote control device to download functional assignments to the keypad layout (**independent claim 54** and its **depending claims 55-61, 64-66 and 68-70**; and **independent claim 71** and its **depending claims 72, 74-76 and 78-80**).
- 3.2. Prior art fails to disclose or suggest downloading from a Web site to a memory card as an intermediate step in the transfer of functional assignments to a key layout in the programming of a command set in a remote control device (**independent claims 67 and 67**).
- 3.3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2612

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN BURGDORF whose telephone number is (571)270-7328. The examiner can normally be reached on Monday-Friday 7:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on (571)272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen R Burgdorf/
Examiner, Art Unit 2612

/BENJAMIN C. LEE/
Supervisory Patent Examiner, Art Unit 2612